

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
BILLINGS DIVISION

SIGNAL PEAK ENERGY, LLC,

Plaintiff,

vs.

EASTERN MONTANA MINERALS,  
INC., and MUSSELSHELL  
RESOURCES, LLC,

Defendants and  
Counterclaim Plaintiffs,

vs.

SIGNAL PEAK ENERGY, LLC;  
FIRSTENERGY CORP.;  
FIRSTENERGY VENTURES CORP.;  
FIRSTENERGY GENERATION  
CORP.; PINESDALE GROUP, LTD.;  
PINESDALE LLC; BOICH  
COMPANIES, LLC; GLOBAL  
COAL SALES GROUP, LLC; and  
GLOBAL MINING HOLDING  
COMPANY, LLC,

Counterclaim Defendants.

Case Number: CV 12-55-BLG-RFC

**DECLARATION OF STEVEN  
MARCUSE**



**STEVEN MARCUSE**, pursuant to 28 U.S.C. § 1746(1) declares under penalty of perjury the following:

1. I am an employee of Pinesdale LLC ("Pinesdale") as the President. As part of my duties, I am responsible for compliance matters in the US. As such, I have read the

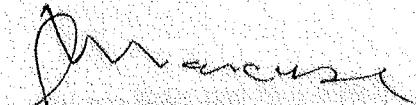
Counterclaims filed by Eastern Montana Minerals, Inc. and Musselshell Resources, LLC (collectively, “EMM”) in the above-captioned action, as they pertain to Pinesdale. Based on my experience in this position and my review of Pinesdale’s records I can declare as set out below.

2. This Declaration is respectfully submitted in support of Counterclaim Defendant Pinesdale’s motion for an order dismissing EMM’s counterclaims against Pinesdale.
3. Pinesdale is a limited liability company formed under the laws of Delaware.
4. Pinesdale has never and does not now conduct business in Montana.
5. Pinesdale does not maintain a place of business in Montana.
6. Pinesdale is not registered to do business in Montana.
7. Pinesdale is also not a member, director or officer of any of the Counterclaim Defendants.
8. Gunvor is not a member of Pinesdale.
9. In October, 2011, Pinesdale purchased a one-third interest in a company known as Global Mining Holding Company, LLC (“Global Holding”).
10. Signal Peak Energy, LLC (“Signal Peak” or “SPE”) – the plaintiff in the instant action – is an indirect subsidiary of Global Holding. Signal Peak has a leasehold interest in a coal mine, (*i.e.*, the July 16, 2008 Coal and Coalbed Methane Lease and Water Rights Conveyance (the “Lease”)).
11. I am generally aware that in 2008 Signal Peak entered into a coal sales agreement (the “CSA”) with a company called First Energy Generation Corporation (“FEG”).
12. Pinesdale is not a party to the Lease.
13. Pinesdale is also not a party to the CSA.

14. Pinesdale is also not a party to any amendment of the CSA. Rather, in conjunction with the 2011 Transactions, an affiliated, but wholly separate company entered into a coal purchase agreement.
15. As such, Pinesdale is not involved in the operations or corporate decision-making of the other Counterclaim Defendants.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: June 25, 2012



STEVEN MARCUSE